

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS**

April 7, 2014 – 3:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING
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Present: Jim Sides, Chairman
Craig Pierce, Vice-Chairman
Jon Barber, Member
Mike Caskey, Member
Chad Mitchell, Member

County Manager Gary Page, Clerk to the Board Carolyn Barger, County Attorney Jay Dees and Finance Director Leslie Heidrick were present.

Chairman Sides convened the meeting at 3:00 p.m.

Chairman Sides provided the Invocation and also led the Pledge of Allegiance.

CONSIDER ADDITIONS TO THE AGENDA

There were no additions to the agenda.

CONSIDER DELETIONS FROM THE AGENDA

Commissioner Pierce requested to pull Consent Agenda item D (NCDOT Road Construction Grant for Gildan Facility) for discussion.

Chairman Sides placed the issue on the agenda as item #3a.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Barber moved, Commissioner Mitchell seconded and the vote to approve the agenda passed unanimously.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Pierce seconded and the vote to approve the minutes of the March 17, 2014 Commission Meeting passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Barber moved approval of the Consent Agenda. The motion was seconded by Commissioner Pierce and passed unanimously.

The Consent Agenda consisted of the following:

- A. Schedule Public Hearing for ZTA & STA 01-14 for April 21, 2014
- B. Proclamation for Relay for Life

WHEREAS, cancer is a group of diseases characterized by uncontrolled growth and spread of abnormal cells which, if not controlled, can result in death; and

WHEREAS, Relay for Life is the signature activity of the American Cancer Society and celebrates cancer survivors and caregivers, and remembers those lost to the disease; and

WHEREAS, the American Cancer Society is a voluntary community-based health organization dedicated to eliminating cancer as a major health problem; and

WHEREAS, Relay For Life is a fun-filled overnight event designed to celebrate survivorship and money raised during the Relay for Life of Rowan County helps to save lives, helps individuals get well, stay well and find cures to fight back.

NOW, THEREFORE, BE IT RESOLVED that the Rowan County Board of Commissioners does hereby proclaim April 26 thru May 2, 2014 as "PAINT THE COUNTY PURPLE" WEEK and encourages citizens to participate in Relay For Life events throughout the County.

- C. Schedule Public Hearing for April 21, 2014 for Z -02-14 (Shoaf)
- D. NCDOT Road Construction Grant for Gildan Facility (this issue was placed on the agenda for discussion as item #3a)
- E. Declare Properties as Surplus

2. ANNOUNCEMENTS

Chairman Sides announced the following event:

- Salisbury Parks and Recreation Egg Hunt and Community Day scheduled for April 12, 2014 at Kelsey Scott Park.
- Rowan County Environmental Management, Rowan County Sheriff's Department, and the Rowan County Extension Office are sponsoring a Special Waste Recycling Event called Operation Medicine Drop. The event will be free to the public on May 7, 2014.

3. PUBLIC COMMENT PERIOD

Chairman Sides opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. The following individuals came forward:

- Larry Wright discussed the election process and praised the Commissioners for having the best interests of all citizens at heart as opposed to just special interest groups.
- Judy Klusman commented regarding the progress at the West End Plaza and asked that all costs be reported concerning the project for the next fifteen (15) years.

With no one else wishing to address the Board, Chairman Sides closed the Public Comment Period.

ADDITION

3a. NCDOT ROAD CONSTRUCTION GRANT FOR GILDAN FACILITY

(This item was pulled from the Consent Agenda for discussion).

Commissioner Pierce referenced the memorandum from the NC Department of Transportation in the agenda packet, specifically under the funding section, item #6. Commissioner Pierce pointed out the wording states any costs over the estimated amount would be the County's responsibility.

Rowan County Economic Development Director Robert Van Geons explained that the grant in question was the last grant the County anticipated for the Gildan Yarns project. Mr. Van Geons said the County had previously approved acceptance of a Community Development Block Grant for \$1 million and had recently been awarded a \$1.1 million grant from the Industrial Development Fund. Mr. Van Geons said the DOT grant would be paid first from these two (2) grants.

Commissioner Pierce thanked Mr. Van Geons for the clarification.

Commissioner Mitchell moved, Commissioner Pierce seconded and the vote to approve the NC DOT Road Construction Grant for the Gildan Yarns Facility passed unanimously.

4. QUASI-JUDICIAL HEARING FOR SUP 01-14: GEORGE L. BEAVER

Chairman Sides read the Chairman's Speech (Exhibit A) and declared the public hearing for SUP 01-14 to be in session. Chairman Sides said the hearing would focus on an application submitted by George L. Beaver for an expansion of a nonconforming use located at 435 Old Beatty Ford Road, China Grove, NC.

The Clerk to the Board swore in those wishing to provide testimony in the case.

Planning and Development Director Ed Muire presented the Staff Report (Exhibit B), as well as a power point presentation (Exhibit C) as he discussed the application.

Mr. Muire explained that George Beaver owns a 1536 square foot personal garage at 435 Old Beatty. Since the property is zoned Rural Agricultural (RA) and Mr. Beaver does not reside on the property, expansions to the structure may not be authorized administratively. In this particular case, Mr. Beaver is requesting consideration of an 18' x 31' addition to the garage to allow for his continued personal hobby of automotive restorations.

Mr. Muire highlighted the staff review contained in the Staff Report (Exhibit B), which he said were the basis for findings for the Commissioners to either approve or deny the request. The suggested findings were:

- No increase in total amount of area devoted to the nonconforming use
- No greater nonconformity with regard to dimensional requirements
- No significant adverse impacts to adjoining properties

Mr. Muire said Staff recommended approval of the application.

With no one else wishing to address the Board, Chairman Sides closed the public hearing.

Commissioner Barber moved approval of SUP 01-14, including the three (3) findings as suggested by Staff. The motion was seconded by Commissioner Pierce and passed unanimously.

5. QUASI-JUDICIAL HEARING FOR CUP 02-14

Chairman Sides read the Chairman's Speech (Exhibit A) and declared the public hearing for CUP 02-14 to be in session. Chairman Sides said the hearing would focus on an application submitted by Tim Dean on behalf of Rick Grubbs to construct seven (7) duplex structures on Tax Parcel 356-092 located at 7540 US Highway 52.

The Clerk swore in those wishing to provide testimony in the case.

Senior Planner Shane Stewart presented the Staff Report (Exhibit B), as well as a power point presentation (Exhibit C) as he discussed the application. Mr. Stewart reported that Rick and Carrie Grubbs currently own the Windwood apartment complex located at 7540 US Highway 52 in the Crescent community. Mr. Stewart said the 3.04 acre parcel is comprised of two (2) brick/vinyl sided two-story multi-family structures with five (5) apartment units in each structure built in 1979, one (1) single family residence and a small multi-bay storage building. Mr. Stewart said the Grubbs purchased the property on January 28, 2011 from Horton Investment Properties, LLC, who were originally approved on October 15, 2001 for a fifteen (15) unit expansion and rezoning to Multi-Family Residential (MFR) but did not pursue construction of the units.

Mr. Stewart said the applicant was requesting a conditional use permit on behalf of Rick and Carrie Grubbs to construct seven (7) one-story duplex structures totaling fourteen (14) one bedroom/one bathroom units.

Mr. Stewart reviewed the conditional use requirements and evaluation criteria as contained in the Staff Report (Exhibit B).

Mr. Stewart provided the Board with example Findings of Fact (Exhibit D).

Mr. Stewart said if approved, Staff encouraged consideration of the following conditions:

1. Comply with NCDOT driveway permit improvements
2. Comply with Fire Marshal's Office regarding code compliance for adequate turnaround and proximity to a hydrant
3. Move mail box cluster away from driveway entrance
4. Provide SRU tap fee receipt prior to the issuance of a zoning permit
5. Obtain erosion control plan approval or waiver prior to issuance of a zoning permit

Commissioner Pierce moved that the development of the property in accordance with the proposed conditions will not materially endanger the public health or safety.

FACT: Adhering to the approved NCDOT commercial driveway permit suggests this site will provide safe access to the general public and not adversely impact traffic along US 52 Hwy.

FACT: A new fire hydrant will be installed to ensure all new duplex structures are within 600 feet of the hydrant as required by fire code.

FACT: The mailbox cluster will be moved away from the driveway entrance to improve safety for traffic entering the site from southbound US 52.

The motion was seconded by Commissioner Barber and passed unanimously.

Commissioner Pierce moved that the development of the property in accordance with the proposed conditions will not substantially injure the value of adjoining or abutting property, or that the development is a public necessity, and;

FACT: No material evidence was presented suggesting this request would injure property values.

The motion was seconded by Commissioner Barber and passed unanimously.

Commissioner Pierce moved that the location and character of the development in accordance with the proposed conditions will be in general harmony with the

area in which it is located and in general conformity with any adopted county plans.

FACT: By establishing this MFR district in 2001, the Board of Commissioners rendered this site suitable for multi-family residential use.

FACT: The construction of duplex structures in the surrounding area date back to 1963 with the most recent structures constructed in 2000.

FACT: This expansion will be located between existing duplex structures and a 12 acre commercial zoning district comprised of several light manufacturing, retail, and service sector uses, which would also provide a good transition to single-family uses.

FACT: Duplexes on individual lots are permitted on adjacent RA zoned properties.

FACT: This property is located in Area Two by the Eastern Rowan Land Use Plan, which does not provide specific recommendations regarding this request.

The motion was seconded by Commissioner Barber and passed unanimously.

Commissioner Barber moved, Commissioner Pierce seconded and the vote to approve CUP 02-14 with the five (5) conditions as recommended by Staff passed unanimously.

6. PUBLIC HEARING FOR Z 01-14

Senior Planner Shane Stewart reported that Jerry McCullough had requested the rezoning of approximately 6.11 acres located at the intersection of Peeler Road and I-85, further referenced as Tax Parcel 408-008, from 85-ED-3 Corporate Park District to Commercial, Business, Industrial (CBI).

In accordance with the East Rowan Land Use Plan (Plan), the property is located within the Interstate 85 highway corridor. The plan recommends commercial, industrial, and mixed-use development within the corridor, making CBI an appropriate zoning designation. If rezoned, the site may be used in coordination with the parcel to the south also owned by Mr. McCullough, which is already zoned CBI.

Mr. Stewart reviewed the zoning criteria in the Staff Report. Since the request could be considered a small-scale rezoning, the Board of Commissioners should develop a statement of reasonableness before approving or denying this request to address any claims of spot zoning. A statement of consistency is necessary to address the relationship between the request and any applicable county adopted plans prior to making a decision to approve or deny the request.

The suggested Statement of Reasonableness was as follows:

- 1) The Eastern Land Use Plan within the I-85 corridor encourages commercial, industrial, and mixed-use development. Therefore, CBI is an appropriate zoning designation and is compatible with existing zoning of the 85-ED-3 and CBI zoning designations of adjoining properties with road frontage.

The suggested Statement of Consistency was as follows:

- 1) Z-01-14 is consistent with the Rowan Eastern Land Use Plan
- 2) The requested rezoning to CBI is compatible with adjoining properties to the south and west
- 3) Road capacity should not be an issue with proximity to I-85
- 4) On-site well and septic exists for utilities

Mr. Stewart said the property was located within a highway corridor, which encourages commercial and industrial development. Rezoning the site to CBI would provide greater flexibility for future development while not presenting a drastic change in the allowable uses.

Chairman Sides opened the public hearing to receive citizen input regarding Z 01-14. With no one wishing to address the Board, Chairman Sides closed the public hearing.

Commissioner Mitchell moved, Commissioner Pierce seconded and the vote to approve the Statements of Reasonableness and Consistency as suggested passed unanimously.

Commissioner Mitchell moved approval of Z 01-14. The motion was seconded by Commissioner Pierce and carried unanimously.

7. CONSIDER PE 01-14: RELAY FOR LIFE

Senior Planner Shane Stewart said the 16th annual Rowan County Relay for Life event would be held on May 2-3, 2014 at the Rowan County Fairgrounds located at 1560 Julian Road, Salisbury, NC to benefit the American Cancer Society.

While the property is located in the extraterritorial jurisdiction of the City of Salisbury, the County's Noise Ordinance governs unreasonable amplified sound for all areas of the County outside municipal limits. Mr. Stewart said Section 14-12 provided an opportunity to exceed the amplified sound standards in the form of a "permit to exceed" when the event is open to the public.

Mr. Stewart said the Planning Department provided mailed notices to property owners within 100' of the parcels involved and posted a sign on March 21st regarding the application.

In conclusion, Mr. Stewart said the application met all the necessary criteria for approval.

Chairman Sides opened the floor for any citizens wishing to comment regarding the application for PE 01-14 for Relay for Life. No one came forward.

Commissioner Mitchell moved approval of PE 01-14. The motion was seconded by Commissioner Pierce and passed unanimously.

8. CONSIDER PE 02-14: EARTH DAY JAM

Senior Planner Shane Stewart stated Saving Grace Farm, Inc. was proposing their third annual Earth Day Jam (Jam) at 565 Trexler Loop in Salisbury. Mr. Stewart said the event would be held on May 3, 2014 from 11:00 a.m. to 1:30 a.m. on May 4, 2014. The purpose of the Jam is to raise funds for the non-profit activities of the Land Trust and Saving Grace Farm's "Therapeutic Horsemanship Center", which serves special needs children and adults in the community. In previous years, the events featured more than a dozen bands/musicians, children's activities from Salisbury Art Station, animals from Dan Nicholas Park, educational booths with Powerhouse Recycling, and a number of local food vendors. While the property is located in the extraterritorial jurisdiction of the City of Salisbury, the County's noise ordinance "governs unreasonable amplified sound" for all areas of the county outside municipal limits.

Mr. Stewart said Section 14-12 provided an opportunity to exceed the amplified sound standards in the form of a "permit to exceed" when the event is open to the public.

Mr. Stewart reported that the Clerk to the Board had received an email about an hour ago from David Connor, who was unable to attend the meeting. Mr. Stewart said Mr. Connor and several neighbors had concerns about the site. Mr. Stewart said the Sheriff's Department did not recall any complaints from the event from previous years. In conclusion, Mr. Stewart said the applicant had a temporary permit use from the City.

According to Staff, the application met all necessary criteria for approval.

The Board briefly discussed the ending time for the event.

Commissioner Mitchell moved, Commissioner Pierce seconded and the vote to approve PE 02-14 passed unanimously.

9. CONSIDER APPROVAL OF FLOOR PLAN RENOVATIONS FOR VETERAN SERVICES OFFICE AND BOARD OF ELECTIONS

County Manager Gary Page discussed the County's recent purchase of the West End Plaza (former Salisbury Mall) and reported that to date the purchase had not cost the taxpayers in the County any money. Mr. Page said the revenues exceeded the expenditures in the purchase.

Mr. Page discussed rumors the purchase of the Plaza would create a tax increase for the citizens. Mr. Page elaborated on the fact that he had announced a proposed tax increase last year before the County ever considered the purchase of the Plaza. Mr. Page said the strategy was to maintain the existing leases for the tenants at the Plaza and continue to generate revenue.

Mr. Page discussed the proposed floor plans for the Rowan County Board of Elections Office and the Veteran Services Office. During the past thirty (30) days, Mr. Page said he and Staff had been working with Burl Brady Architects to develop plans for relocating these offices to the West End Plaza (Plaza).

Chairman Sides discussed the need for the additional space for both departments. Chairman Sides said utilizing the space at the Plaza would cost the County much less than building new facilities.

Commissioner Mitchell pointed out that Elections would go from a total office space of approximately 3,000 square feet to almost 10,000 square feet.

Mr. Page said the Elections renovations would ultimately result in a cost of \$10 per square foot, which was a tremendous savings compared to constructing a facility that could have cost \$1.3 million.

Commissioner Pierce said the renovations would take care of space needs for the Board of Elections for years to come.

Mr. Brady came forward to give a brief overview and explanation of the space needs assessment and development process.

After a brief discussion, Commissioner Pierce moved to approve the floor plans for the Veteran Services Office and the Board of Elections. The motion was seconded by Commissioner Mitchell and passed 4-1 with Commissioner Barber dissenting.

10. CONSIDER SELECTION OF ARCHITECT TO PERFORM SPACE NEEDS ASSESSMENT AND DEVELOP MASTER PLAN FOR WEST END PLAZA

County Manager Gary Page reviewed a proposal from ADW Architects to perform both a space needs study for county departments and a Master Plan for the West End Plaza (Plaza) in the amount of \$66,000. ADW will interview all departments and assess their future space needs over a period of ten (10) to fifteen (15) years. The assessment will coincide with our own efforts to update the County's Capital Improvement Plan (CIP). The proposed Master Plan will indicate how department space needs can be incorporated with the development and use of the Plaza.

ADW Architects is the same firm used in 2006 to assist Rowan County with a Master Plan for improvements at the Justice Center. In January, staff received

seven (7) proposals to perform the needs assessment and Master Plan. Our recommendation is to contract with ADW due to their familiarity with the County from the previous work and knowledge.

Mr. Page said Staff recommended paying for the study from funds associated with the Plaza financing. The Board identified an extra \$500,000 in the financing to assist with plans and renovations at the Plaza. The study should be received by July 2014.

Commissioner Pierce moved to approve ADW Architects as the architects to prepare a master plan and to assess the County's needs as recommended. The motion was seconded by Commissioner Mitchell and passed 4-1 with Commissioner Barber dissenting.

11. CONSIDER APPROVAL OF MEDIATED SETTLEMENT AGREEMENT WITH ROWAN-SALISBURY BOARD OF EDUCATION

Chairman Sides referred to the various versions of the mediated settlement agreement in the agenda packets. The versions included both a "clean" and redline version submitted by County Attorney Jay Dees, as well as an executed version submitted by the Rowan Salisbury Schools Board of Education (BOE).

Commissioner Pierce stated the Commissioners were voting on what was approved during the last joint meeting held with the BOE on February 27, 2014. Commissioner Pierce pointed out the executed version submitted by the BOE was not what the Commissioners had agreed to during the joint meeting.

Commissioner Pierce moved to accept the clean version of the mediated settlement agreement as submitted by Mr. Dees. The motion was seconded by Chairman Sides.

After discussing at length the changes that had been made to various versions of the agreement, Commissioner Mitchell moved to amend the motion to send a request to meet with the BOE no later than Friday, April 11, 2014. Commissioner Caskey seconded.

The motion to amend failed 3-2 with Commissioners Sides, Pierce and Barber dissenting.

Upon being put to a vote, the motion on the floor passed 4-1 with Commissioner Barber dissenting.

12. CONSIDER APPROVAL OF BUDGET AMENDMENTS

Finance Director Leslie Heidrick presented the following budget amendments for the Board's consideration:

- Cooperative Extension – To budget additional revenues and expenditures for fees received for Family Consumer Science programs - \$2,450
- Health – Smart Start for Healthy Beginnings has revised its budget so correction is needed to match budget to grant. The grant supports the salaries and fringes for Maternal Health and Child Health - \$5,962
- Health – Smart Start for CCHC has revised the budget so a correction is needed to match true budget per the grant - \$10,487
- Salisbury/Rowan Senior Games and SilverArts – Transfer money into the Senior Games Activities account for 2014 season - \$6,000
- Social Services – Funding has been received for foster care caseworker visits and funds need to be budgeted in expense and revenue line items. No County money is required - \$8,452
- Social Services – Additional funding has been received for Crisis Intervention Assistance and Share the Warmth. An increase is needed in expenditure and revenue line items - \$6,298
- Finance – Increase ad valorem property tax revenues and auditing expenditures due to audit discoveries - \$11,530

Commissioner Pierce moved approval of the budget amendments as presented. The motion was seconded by Commissioner Caskey and passed unanimously.

13. CONSIDER APPROVAL OF BOARD APPOINTMENTS **AGRICULTURAL ADVISORY BOARD**

There are two (2) vacancies and the following have submitted applications for consideration:

- Ann Ratchford Furr
- Randall D. Elum for reappointment

The terms are for three (3) years beginning May 1, 2014 and expiring April 30, 2017.

Commissioner Barber nominated Ann Furr and Randall Elum. The nominations passed unanimously

THERAPEUTIC RECREATION ADVISORY BOARD

There are two (2) vacancies and the following application has been received:

- Pat Whitley for reappointment

The term is for three (3) years beginning April 1, 2014 and expiring March 31, 2017.

Commissioner Pierce nominated Pat Whitley and the nomination passed unanimously.

NURSING HOME ADVISORY BOARD

There are nine (9) vacancies. The following applications have been received:

- Aulena Sellers-Crook for reappointment
- Virginia Graves for reappointment
- Nancy Williams Galyan for reappointment
- Daniel B. Robinson

Ms. Sellers-Crook's term is for three (3) years beginning March 1, 2014 and expiring February 28, 2017.

The other terms are for three (3) years beginning April 1, 2014 and expiring March 31, 2017.

Commissioner Pierce nominated Aulena Sellers-Crook, Virginia Graves, Nancy Galyan, and Daniel Robinson. The nominations carried unanimously.

FRANKLIN VFD FIRE COMMISSIONER

There are three (3) vacancies and the following applications have been received:

- Mark Edward Monroe for reappointment
- Raymond Mark Sokolowski for reappointment
- Steven Curtis Thurston

The terms are for two (2) years beginning May 1, 2014 and expiring April 30, 2016.

Commissioner Pierce nominated Mark Monroe, Raymond Sokolowski and Steven Thurston and the nominations passed unanimously.

CITY OF SALISBURY ETJ ZONING BOARD OF ADJUSTMENT

The following applications have been submitted:

- Frank Thomason for reappointment
- Robert Cockerl for reappointment

The terms expire on March 31, 2017.

Commissioner Pierce nominated both Frank Thomason and Robert Cockerl for reappointment. The nominations passed unanimously.

14. CLOSED SESSION: TO DISCUSS AN ECONOMIC DEVELOPMENT ISSUE AND CONSIDER APPROVAL OF MARCH 3, 2014 CLOSED SESSION MINUTES

Commissioner Pierce moved at 5:11 p.m. to enter into Closed Session in accordance with North Carolina General Statute § 143-318.11(a)(4) to discuss an Economic Development issue and North Carolina General Statute § 143-318.11(a)(1) to consider approval of the minutes of the Closed Session held on

March 3, 2014. The motion was seconded by Commissioner Barber and passed unanimously.

The Board returned to Open Session at 5:55 p.m.

Commissioner Pierce moved that the Board of Commissioners extend the feasibility time with the Hutton Group for sixty (60) days, accept a new description on the contract for the amount of property to be purchased, amend the purchase price from \$40,000 to \$35,000 per acre. The motion was seconded by Commissioner Barber and passed unanimously.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Barber moved to adjourn at 5:57 p.m. The motion was seconded by Commissioner Pierce and passed unanimously.

Respectfully Submitted,

Carolyn Barger, CMC, NCCCC
Clerk to the Board/
Assistant to the County Manager